

Remarks

Claims 1-15 are currently pending; claims 16-21 have been withdrawn. No claims have been allowed. Claims 1-8, 10, 11 and 15 are canceled, claims 9 and 12-14 have been amended herein.

The Declaration has been objected to as failing to comply with 37 CFR 1.497(a) (2). Applicants wish to point out that the cited rule does not state that the international application number (PCT/US2004/025036) must be identified on the declaration. The rule merely states that the oath or declaration **must identify the application to which it is directed**. The declaration was signed on July 12, 2004 and identifies the US provisional application which is the priority document. It was executed when the inventors reviewed the final application prior to filing. The application was sent to the US Receiving Office on August 3, 2004. Therefore, the information was not available at the time the Declaration was signed. It is therefore respectfully submitted that the Declaration meets the requirement of CFR 1.497 (a) (2).

Claims 1-15 are rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. The term "solvate" is objected to. Said term has been deleted from the claim language, obviating the rejection.

Claims 1 and 8 are rejected under 35 USC 102(a) as being anticipated by CAS Registry Nos. 515831-42-2; 515830-06-5; 515829-57-9; or 515120-36-2. Claims 1 and 8 are canceled herewith, thus obviating the rejection.

Claims 1-6, 8 and 15 are rejected under 35 USC 102(b) as being anticipated by Okada et al.; Bizzi et al.; Nakaya et al.; Rubessa; and Seltzman et al. As these claims have been canceled or amended herewith, the rejection is moot.

Claims 1-6 and 15 are rejected under 35 USC 102(c) as being anticipated by Makriyannis et al. As these claims are canceled herewith, the rejection is obviated.

Claims 1-5, 10, 11 and 15 are rejected under 35 USC 103(a) as being obvious over Okada et al. and Rubessa. These claims are canceled herewith, thus obviating the rejection.

Based on the foregoing, Applicants assert the claims are enabled and in condition for allowance. If a telephonic communication will advance the prosecution of the instant application, please telephone Applicants' representative indicated below. Applicants

believe no additional fees are due, but the Commissioner is authorized to charge any fees required in connection with this amendment to Merck Deposit Account No. 13-2755.

Respectfully submitted,

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